IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

Bail Appl..No. 7307 of 2007()

CRIME NO. 834/07 OF KOTTARAKKARA POLICE STATION

PETITIONER/ACCUSED:

K.P. SAJI, AGED 42 YEARS,
S/O. PRABHAKARAN, PUZHAMBIL PUTHENVEETTIL,
AMBALATHUMKALA MURI, EZHUKON VILLAGE,KOTTARAKKARA,
KOLLAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
KOTTARAKKARA, KOLLAM DISTRICT, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7307 of 2007

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Dated this the 5th day of December, 2007

O R D E R

Application for anticipatory bail. The petitioner is the husband of the defacto complainant. He faces allegations in a crime registered under Section 498A I.P.C. The marriage took place on 16.9.1998. The spouses were blessed with a child born on 23.6.1999. The petitioner, it is submitted, had met with a motor accident resulting in serious injuries to him. There was strain in the matrimony. There used to be quarrels and the wife used to return to her house. From May 2007 the spouses are residing separately. The husband filed an application for divorce on 30.10.2007. Thereafter the present complaint was filed on 4.11.2007 and the crime has been registered.

2. The learned counsel for the petitioner submits that the petitioner is innocent. Because of the strain in the matrimony fanciful and vexatious allegations are being raised against the

petitioner. He is willing to abide by any conditions. He may be saved of the undeserved trauma of arrest and detention.

3. The learned Prosecutor does not oppose the application. I am satisfied, in the facts and circumstances of this case, that anticipatory bail can be granted to the petitioner, subject to appropriate terms and conditions. In the absence of opposition, it is not necessary for me to advert to facts in any greater detail in this order.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 12.12.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 13.12.2007 and 14.12.2007 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of one month and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 12.12.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 12.12.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 12.12.2007.

(R. BASANT)
Judge

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